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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,560	03/06/2001	Hideo Uchizono	9683/81	3724
7590	04/29/2004		EXAMINER	CLEARY, THOMAS J
Brinks Hofer Gilson & Lion PO Box 10395 Chicago, IL 60610			ART UNIT	PAPER NUMBER
			2111	R
			DATE MAILED: 04/29/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/786,560

Applicant(s)

UCHIZONO ET AL.

Examiner

Thomas J. Cleary

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 March 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3, 6, 7, 8, 9.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 recites the limitation "certain logical device" in Lines 15-16 and "certain port" in Line 16. There is insufficient antecedent basis for these limitations in the claim. Applicant has not made clear whether "certain logical device" refers to the logical device of Claim 6 Line 12 or to a different logical device. Likewise, Applicant has not made clear whether "certain port" refers to the port of Claim 6 Line 9 or to a different port of the plurality of ports. Examiner has interpreted "certain logical device" to refer to the device of Claim 6 Line 12 and "certain port" to refer to the port of Claim 6 Line 9 for the purposes of evaluating prior art. Applicant should confirm the Examiner's interpretation of the aforementioned claim or amend the claim to clarify what the aforementioned terms refer to.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by PCT Application Publication Number WO 99/08196 to Siddappa ("Siddappa").

5. In reference to Claim 1, Siddappa teaches a USB transmitter-receiver having one or more endpoints for sending and receiving information via a universal serial bus (See Figure 10 and Page 1 Lines 31-33); a device section including one or more logical devices for sending and receiving information to/from a host computer via said USB transmitter-receiver (See Figure 10 and Page 1 Lines 31-33); a controller which, when said host computer uses a desired logical device in said device selection, selects an endpoint required for sending and receiving information between said logical device and said host computer from the endpoints within said USB transmitter-receiver and makes connection to said logical device (See Figure 10, Page 1 Lines 27-36, and Page 2 Lines 5-19).

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sharp IrDA Application Note 'Implementing an IrDA Control Peripheral' ("Sharp").

7. In reference to Claim 1, Sharp teaches a USB transmitter-receiver having one or more endpoints for sending and receiving information via a universal serial bus (See Page 7 Paragraph 1); a device section including one or more logical devices for sending and receiving information to/from a host computer via said USB transmitter-receiver (See Page 7 Paragraph 7); a controller which, when said host computer uses a desired logical device in said device selection, selects an endpoint required for sending and receiving information between said logical device and said host computer from the endpoints within said USB transmitter-receiver and makes connection to said logical device (See Page 7 Paragraphs 2-7).

8. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Universal Serial Bus Specification Revision 1.0 ("USB Specification").

9. In reference to Claim 1, the USB Specification teaches a USB transmitter-receiver having one or more endpoints for sending and receiving information via a universal serial bus (See Page 45 Figure 5-8); a device section including one or more logical devices for sending and receiving information to/from a host computer via said USB transmitter-receiver (See Page 45 Figure 5-8); a controller which, when said host computer uses a desired logical device in said device selection, selects an endpoint

required for sending and receiving information between said logical device and said host computer from the endpoints within said USB transmitter-receiver and makes connection to said logical device (See Page 45 Figure 5-8).

10. In reference to Claim 2, the USB Specification teaches the limitations as in Claim 1 above. The USB Specification further teaches that said USB transmitter-receiver includes an endpoint for a control transfer (See Page 45 Figure 5-8 and Page 47 Section 5.3.1.2); and wherein said controller receives, from said host computer, information specifying a desired logical device via said endpoint for a control transfer, and connects an endpoint selected from the endpoints of said USB transmitter-receiver to said logical device (See Page 45 Figure 5-8 and Page 50 Section 5.5).

11. In reference to Claim 3, the USB Specification teaches the limitations as in Claim 1 above. The USB Specification further teaches that said USB transmitter-receiver includes an endpoint for a control transfer (See Page 45 Figure 5-8 and Page 47 Section 5.3.1.2); and wherein said controller receives, from said host computer, information specifying a desired service via said endpoint for a control transfer, and connects an endpoint selected from the endpoints of said USB transmitter-receiver to a logical device corresponding to said service (See Page 45 Figure 5-8 and Page 50 Section 5.5).

12. In reference to Claim 4, the USB Specification teaches the limitations as in Claim 1 above. The USB Specification further teaches that said USB transmitter-receiver performs an interrupt transfer with said host computer via an endpoint for an interrupt control in said USB transmitter-receiver, thereby setting a function of an endpoint used in sending and receiving information between said logical device and said host computer (See Pages 155-156 Section 8.5.3 and Pages 58-59 Sections 5.7-5.7.5).

13. In reference to Claim 5, the USB Specification teaches the limitations as in Claim 1 above. The USB Specification further teaches that said USB transmitter-receiver has a plurality of interfaces formed by one or more endpoints and one of these interfaces includes an endpoint for a control transfer (See Page 45 Figure 5-8 and Page 47 Section 5.3.1.2); wherein said controller receives information specifying said desired logical device from said host computer via said endpoint for a control transfer, selects an interface required for sending and receiving information with said host computer from among the interfaces for said USB transmitter-receiver, and makes connection to said logical device (See Page 45 Figure 5-8 and Page 50 Section 5.5).

14. In reference to Claim 6, the USB Specification teaches the limitations as in Claim 1 above. The USB Specification further teaches that said USB transmitter-receiver has an endpoint for a control transfer and a plurality of interface blocks corresponding to a plurality of ports, and each interface block has a plurality of interfaces formed by one or a plurality of endpoints (See Page 45 Figure 5-8); and wherein, when said host

computer receives a desired service via a desired port, said controller receives information specifying said desired service from said host computer via said endpoint for a control transfer, and connects an interface block corresponding to said port within said USB transmitter-receiver to a logical device corresponding to said service (See Page 45 Figure 5-8 and Page 45 Figure 5-8 and Page 50 Section 5.5).

15. In reference to Claim 7, the USB Specification teaches the limitations as in Claim 6 above. The USB Specification further teaches that said host computer requests to receive a different service from another port while using a certain logical device via a certain port, said controller connects an interface block corresponding to said another port to a logical device corresponding to said different service (See Pages 30-31 Section 4.4).

16. In reference to Claim 8, the USB Specification teaches the limitations as in Claim 1 above. The USB Specification further teaches that said USB transmitter-receiver has a plurality of interface blocks corresponding to a plurality of ports, each said interface block has a plurality of interfaces each formed by one or a plurality of endpoints, and one interface of said interfaces includes an endpoint for control transfer (See Page 45 Figure 5-8 and Page 47 Section 5.3.1.2); and wherein, when said host computer receives a desired service via a desired port, said controller receives, from said host computer, information specifying said desired service via said control transfer endpoint, which is included in an interface block corresponding to said desired port in said USB

transmitter-receiver, and connects a logical device corresponding to said service to an interface block corresponding to said port within said USB transmitter-receiver (See Page 45 Figure 5-8 and Page 50 Section 5.5).

***Information Disclosure Statement***

17. The information disclosure statement filed 5 March 2004 and supplemented by the information disclosure statement filed 15 March 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each reference listed that is not in the English language. No translation has been provided for the Office Action from the Japanese Patent Office dated 20 January 2004. It has been placed in the application file, but the information referred to therein has not been considered.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Cleary whose telephone number is 703-305-5824. The examiner can normally be reached on Monday-Thursday (7-4), Alt. Fridays (7-3).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H. Rinehart can be reached on 703-305-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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